

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DONALD DAVID MacKAY

§

v.

§

CIVIL ACTION NO. 6:08CV489

FORT RILEY KANSAS ARMY BASE

§

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Plaintiff filed [written objections](#) to the Report and Recommendation on May 18, 2009.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. The Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the complaint is **DISMISSED** with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Any motion not previously ruled on is **DENIED**.

SIGNED this 27th day of May, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE